IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2055 of 2005

Between:

M. Masi Reddy S/o Raji Reddi
r/o 16-1-705/5, Dilsukhnagar, Hyderabad

..... PETITIONER

AND

1. The Regional Transport Officer, Hyderabad (East).
2. The Assistant Secretary, Road Transport Authority Hyderabad East Zone
3. The Inspector of Motor Vehicles, Ibrahimpatnam, Ranga Reddy District at

Karimanghat,
4. The Commissioner of Transport Government of Andhra Pradesh, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more particularly in the nature of *Writ of Mandamus* declaring the seizure of the petitioner's Vehicle HGV (Tipper) No. AP.21T 2707 dated 18-1-2005 as illegal, improper and unjustifiable and consequently direct the Respondents to receive the Tax without penalty and release the vehicle HGV Tipper bearing No. AP.21T 2707.

Counsel for the Petitioner: MR.B.RANGANADH RAO

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following:

ORDER:

The petitioner has filed this writ petition seeking a direction to the respondents to release his Vehicle HGV (Tipper) bearing Regn. No. AP 21 T 2707.

2 . The 2n d respondent seized the petitioner's vehicle under check report bearing No.0533441, dated 18.02.2005 for violation of certain irregularities and kept vehicle under detention in the police station, L.B. Nagar.

3. The learned counsel for the petitioner has contended that the petitioner is a poor educated un-employee and that he made a representation, dated nil to the 1st respondent requesting him to release the vehicle, but the 1st respondent refused to release the vehicle. Therefore, he prays to grant interim custody of the vehicle to the petitioner. The counsel has further contended that if any violations are made, the petitioner will be liable to pay the amount.

4. The learned Government Pleader for Transport has opposed the application filed by the petitioner on the ground that the petitioner has to approach the 1st respondent-Transport authority for grant of interim custody of the vehicle and appropriate orders have to be passed by the 1st respondent, but the petitioner, without approaching the 1st respondent has filed this writ petition.

5. As per the check report, dated 18.01.2005, the 2nd respondent seized the vehicle of the petitioner for violation of certain irregularities. Though it is asserted in the affidavit that the petitioner made a representation, dated NIL,

the 1st respondent has not taken any steps for grant of interim custody of the vehicle since the vehicle is being used for the purpose of carrying the passengers. Therefore, it would be appropriate to direct the interim custody of the vehicle to the petitioner.

6 . In the light of the above circumstances, the 1st respondent-Regional Transport Officer, Hyderabad (East) is directed to release the vehicle of the petitioner for interim custody on condition that the petitioner deposits Rs.7,500/- (Rupees Seven Thousand Five Hundred Only) on the following terms and conditions.

1. *that the petitioner shall not transfer the vehicle to any other person without the permission of the 1st respondent.*
2. *that the petitioner shall not change the engine or any part of the vehicle.*
3. *that the petitioner shall produce the vehicle as and when required by the authorities concerned.*
4. *that the petitioner shall participate in the enquiry that is going to be conducted by the 1st respondent after receipt of show cause notice by filing his explanation.*
5. *that the tax, if any, may be adjusted out of the amount deposited by the petitioner.*

The 2nd respondent may take further steps for recovery of the tax from the petitioner.

7. Accordingly, the writ petition is disposed of in terms of the above directions. There shall be no order as to costs.

_____

(K.C. BHANU,J)

Date: 09.02.2005

Note: Issue C.C. by tomorrow.

B.O.

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Regional Transport Officer, Hyderabad (East).
2. The Assistant Secretary, Road Transport Authority Hyderabad East Zone
3. The Inspector of Motor Vehicles,

Ibrahimpatnam, Ranga Reddy District at Karimanghat,

4. The Commissioner of Transport,

Government of Andhra Pradesh, HYDERABAD

5. Two C. Cs to G.P. for Transport, High Court Buildings, Hyderabad (OUT).

6. Two C.D. copies

*Form-NIC-OGS/WP{**TRT**}*